

**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**In re Application of:**

Kahn et al.

**Serial No.:** To be assigned

**Filed:** December 21, 2001

**For:** GENE REGULATOR

**Examiner:** To be assigned

**Group Art Unit:** To be assigned

**Attorney Docket No.:** 5222US

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**PRELIMINARY AMENDMENT**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Please amend the above identified patent application as follows:

**IN THE CLAIMS:**

Please amend claims as follows. Please note that claim amendments are presented here in clean form for clarity, a marked up version of the claim amendments is attached.

Please cancel claims 23 and 24 without prejudice or disclaimer.

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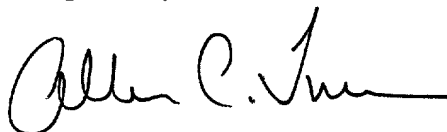
4. (Amended) The method according to claim 1 wherein said cell comprises an eukaryotic cell.
5. (Amended) The method according to claim 1 further comprising
  - c) determining the presence of said gene product in or derived from a cell which has not been contacted with said oligopeptide, or a modification or derivative thereof, and determining the ratio of gene product found in step b to gene product found in step c.
8. (Amended) The method according to claim 6 wherein said gene transcription factor comprises a NF-kappaB/Rel protein.
10. (Amended) The method according to claim 9 further comprising determining relative up-regulation and/or down-regulation of at least one gene expressed in said cell.
11. (Amended) The method according to claim 6 further comprising determining relative up-regulation and/or down-regulation of a multitude of genes expressed in said cell.
14. (Amended) The method according to claim 12 wherein said factor related to gene control comprises a transcription factor.
16. (Amended) The method according to claim 12 further comprising providing a cell with said peptide or derivative or analogue thereof and determining the activity and/or nuclear translocation of a gene transcription factor in said cell.
17. (Amended) The method according to claim 12 further comprising providing a cell with said peptide or derivative or analogue thereof and determining relative up-regulation and/or down-regulation of at least one gene expressed in said cell.
18. (Amended) A signalling molecule useful in modulating expression of a gene in a cell and identifiable or obtainable by employing a method according to claim 1.

22. (Amended) A modulator of NF-kappaB/Rel protein activation comprising a signalling molecule according to claim 18.

## Remarks

The Office is respectfully requested to enter the above amendments prior to the calculation of the filing fee in this application. Should the Office determine that additional issues remain which might be resolved by a telephone conference, it is respectfully invited to contact applicants' undersigned attorney.

Respectfully Submitted,



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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**IN THE CLAIMS:**

Please amend the claims as follows:

4. (Amended) The method according to [any one of claims 1 to 3]claim 1 wherein said cell comprises an eukaryotic cell.
5. (Amended) The method according to [any one of claims 1 to 4]claim 1 further comprising  
c) determining the presence of said gene product in or derived from a cell which has not been contacted with said oligopeptide, or a modification or derivative thereof, and determining the ratio of gene product found in step b to gene product found in step c.
8. (Amended) The method according to claim 6 [or 7] wherein said gene transcription factor comprises a NF-kappaB/Rel protein.
10. (Amended) The method according to claim [6, 7, 8 or] 9 further comprising determining relative up-regulation and/or down-regulation of at least one gene expressed in said cell.
11. (Amended) The method according to claim 6 [to 10] further comprising determining relative up-regulation and/or down-regulation of a multitude of genes expressed in said cell.
14. (Amended) The method according to claim 12 [or 13] wherein said factor related to gene control comprises a transcription factor.
16. (Amended) The method according [any one of claims 12 to 15]to claim 12 further comprising providing a cell with said peptide or derivative or analogue thereof and determining the activity and/or nuclear translocation of a gene transcription factor in said cell.
17. (Amended) The method according to [any one of claims 12 to 16]claim 12 further comprising providing a cell with said peptide or derivative or analogue thereof and determining relative up-

regulation and/or down-regulation of at least one gene expressed in said cell.

18. (Amended) A signalling molecule useful in modulating expression of a gene in a cell and identifiable or obtainable by employing a method according to [any one of claims 1 to 17]claim 1.

22. (Amended) A modulator of NF-kappaB/Rel protein activation comprising a signalling molecule according to [anyone of claims 18 to 21]claim 18.